

Message Text

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L/NEA:DSMALL

NEA:ALATHERTON,JR.

L/PM:JMICHEL--S/S:APSHANKLE

P/MC:CBRYANT

JUSTICE:MR. STEIN

CUSTOMS:JHDENNIS

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FM SECSTATE WASHDC

TO USMISSION USUN NEW YORK IMMEDIATE

INFO USINT BAGHDAD IMMEDIATE

C O N F I D E N T I A L STATE 299104

EXDIS

E.O. 11652: GDS

TAGS:PFOR, US, IZ

SUBJECT:IRAQI UN MISSION ACQUISITION OF FIREARMS

REF: STATE 297125

1. APPROPRIATE SENIOR USUN OFFICIAL SHOULD MEET TODAY OR IN ANY EVENT AS QUICKLY AS POSSIBLE WITH THE IRAQI UN AMBASSADOR IN ORDER: (A) TO SECURE AN IRAQI EXPLANATION OF THE IRAQI MISSION'S ACQUISITION OF ONE HUNDRED 45 CALIBER MAC-10 MACHINE GUNS (MANUFACTURER MILITARY ARMS CORPORATION), AND (B) TO REQUEST THAT THE IRAQIS TURN OVER THESE WEAPONS TO US AUTHORITIES. MEETING PLACE CAN BE AGREED UPON AT DISCRETION OF USUN.

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2. USUN REPRESENTATIVE SHOULD CAST HIS PRESENTATION TO

THE IRAQI AMBASSADOR FIRMLY BUT IN SUCH A WAY AS TO GIVE HIM, IF HE CHOOSES TO EXERCISE IT, A FACE-SAVING WAY OUT OF THIS PROBLEM, INITIALLY BY TURNING OVER THE WEAPONS TO US AUTHORITIES. AT THE SAME TIME, THE IRAQI AMBASSADOR SHOULD BE LEFT IN NO DOUBT THAT WE TAKE A MOST SERIOUS VIEW OF THIS MATTER, AND ARE CONSIDERING FURTHER STEPS WHICH WE MAY MODERATE IF SATISFIED.

3. SUGGESTED TALKING POINTS:

(A) WE WISH TO DRAW TO YOUR ATTENTION AN EXTREMELY SERIOUS PROBLEM INVOLVING THE IRAQI UN MISSION. WE BELIEVE THAT YOU WILL RECOGNIZE THAT IT IS IN THE COMMON INTEREST OF OUR TWO COUNTRIES THAT THE US ATTAINS THE FULLEST POSSIBLE ACCOUNT OF WHAT ACTUALLY HAS HAPPENED AND TO SEE WHETHER A SUITABLE REMEDY CAN BE DEVELOPED.

(B) US LAW ENFORCEMENT AGENCIES (ATF, CUSTOMS) HAVE INFORMED US THEY HAVE REASON TO BELIEVE THAT AN INDIVIDUAL SUBJECT TO US JURISDICTION HAS MADE A SHIPMENT OF ONE-HUNDRED MAC-10 45 CALIBER SUBMACHINE GUNS IN VIOLATION OF FEDERAL STATUTES.

(C) THE INVESTIGATION OF THE UNLAWFUL SHIPMENT HAS SHOWN THAT THE FIREARMS WERE DELIVERED TO THE IRAQI MISSION BY THE DRAKE TRUCKING FIRM ON NOVEMBER 12. AN EMPLOYEE OF THE MISSION SIGNED A RECEIPT FOR THIS DELIVERY.

(D) SINCE THESE WEAPONS WERE DELIVERED TO THE MISSION THROUGH THE UNLAWFUL CONDUCT OF THE PROCUREMENT AGENT, AND SINCE THE MISSION'S CONTINUED POSSESSION OF THEM IS IN VIOLATION OF FEDERAL LAW, THESE WEAPONS SHOULD BE SURRENDERED IMMEDIATELY TO THE CUSTODY OF THE US BUREAU OF CUSTOMS OR ATF.

(E) THE WEAPONS CANNOT BE EXPORTED FROM THE UNITED STATES WITHOUT A LICENSE ISSUED BY THE DEPARTMENT OF STATE. SUCH A LICENSE WILL NOT BE ISSUED AND THE EXPORT OF THE WEAPONS WILL NOT BE PERMITTED.

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(F) WE ARE CERTAIN THAT YOU WILL WISH TO HAVE THESE WEAPONS TURNED OVER SINCE THE CONTINUED POSSESSION OR UNLAWFUL EXPORT OF THESE WEAPONS WOULD BE A FLAGRANT DISREAGARD OF THE OBLIGATION OF THE GOVERNMENT OF IRAQ TO OBSERVE US LAWS IN THE CONDUCT OF ACTIVITIES WITHIN THE US AND WOULD BE INCOMPATIBLE WITH THE PROPER FUNCTIONS OF A MISSION TO THE UNITED NATIONS.

(G) WE URGE THE COOPERATION OF THE MISSION IN RECTIFYING THIS UNFORTUNATE SITUATION, SINCE IT HAS THE POTENTIAL OF PREJUDICING THE RIGHT OF IRAQI MISSION PERSONNEL TO REMAIN IN THE HEADQUARTERS DISTRICT.

(H) BECAUSE OF THE SERIOUSNESS OF THE MATTER, WE HAVE INFORMED THE SECRETARY GENERAL'S OFFICE OF THE PROBLEM.

(IN REGARD THIS POINT, USUN AUTHORIZED INFORM SUY OR OTHER APPROPRIATE UN OFFICIAL DRAWING ON FOREGOING TALKING POINTS AS APPROPRIATE.)

4. FYI - THE NEXT STEPS WE MAY TAKE WILL DEPEND ON THE RESULTS OF THIS APPROACH TO THE IRAQI AMBASSADOR.

5. FYI - THE FOLLOWING IS FOR YOUR BACKGROUND INFORMATION ONLY AT THIS STAGE AND SHOULD NOT BE DISCLOSED TO THE IRAQIS:

(A) ANTONIO POLYTARIDES, AN ILLEGAL ALIEN, ALLEGEDLY AT THE BEHEST OF AT-TAYYAR, THE NUMBER TWO RANKING MEMBER OF THE IRAQI MISSION, PLACED AN ORDER FOR TWO HUNDRED SUB-MACHINE GUNS WITH AN AMERICAN SUPPLIER ON AUGUST 15, 1976, POLYTARIDES APPARENTLY WAS PAID \$79,000 TO PURCHASE THESE WEAPONS, WHICH INCLUDED A HEALTHY COMMISSION.

(B) ONE HUNDRED OF THE WEAPONS ORDERED HAVE NOT REPEAT NOT NOR WILL THEY BE DELIVERED TO THE IRAQI MISSION. ONLY THE ONE HUNDRED WEAPONS DESCRIBED IN THE TALKING POINTS HAVE BEEN DELIVERED. WE HAVE ADDED INFORMATION THAT THE BOXED WEAPONS WERE BROUGHT INTO THE MISSION PROPER WHERE SOME OF THE BOXES WERE OPENED IMMEDIATELY, REVEALING THEIR CONTENTS TO AN INDEPENDENT WITNESS.

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(C) TREASURY AGENTS ARRESTED POLYTARIDES ON DECEMBER 5 AND ARRAIGNED HIM BEFORE THE US DISTRICT COURT IN BALTIMORE ON DECEMBER 6. HE HAS NOT BEEN ABLE TO MAKE BAIL AND REMAINS IN CUSTODY. THE INDICTMENT MAY BE ISSUED NEXT TUESDAY, DECEMBER 14.

(D) TURNING OVER THE WEAPONS WILL NOT RPT NOT END THE MATTER. AT THE LEAST, WE WILL WANT TO SEE AT-TAYYAR LEAVE. END FYI.

6. THE PRESS HAS CAUGHT ON TO THE MATTER AND THE IRAQI MISSION'S ACTIVITY MAY SHORTLY RECEIVE A GREAT DEAL OF PUBLIC ATTENTION.

7. THIS POSITION HAS BEEN COORDINATED WITH THE CONCERNED OFFICES OF JUSTICE AND TREASURY; AND THE OFFICES OF THE ASSISTANT US ATTORNEYS FOR THE NEW YORK SOUTHERN DISTRICT AND THE BALTIMORE DISTRICT HAVE BEEN INFORMED OF OUR THINKING. SINCE THE DEPARTMENT WANTS TO COOPERATE TO THE FULLEST EXTENT WITH TREASURY AND JUSTICE ON THIS MATTER, USUN SHOULD CONSULT FULLY AT THIS AND ALL FUTURE STAGES WITH CUSTOMS AND ATF OFFICIALS (ANTHONY VARCOS (ATF) TEL. 264-4657; JOSEPH KING (CUSTOMS AGENT) 466-5956). A TREA-SURY REPRESENTATIVE SHOULD ACCOMPANY ANY USUN OFFICIAL. ROBINSON

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